



Our Ref: 152638
 Your Ref:
 Enquiries: Katina Marchbank - [REDACTED]

Chief Executive Officer
 Shire of Serpentine-Jarrahdale
 6 Paterson Street
MUNDIJONG WA 6123

Dear Sir

**Application No. 152638 : Darling Downs Estate Pty Ltd
 Lot 9001 Hilbert Rd, Darling Downs**

Please be advised that as a result of a recent Application for Review by the State Administrative Tribunal, the deemed refusal of the subdivision application for the abovementioned land has been resolved.

Please see the attached approval decision and list of conditions arising from the Review for your convenience and assistance.

The decision is valid for four (4) years from the date of approval, being 11 October 2016.

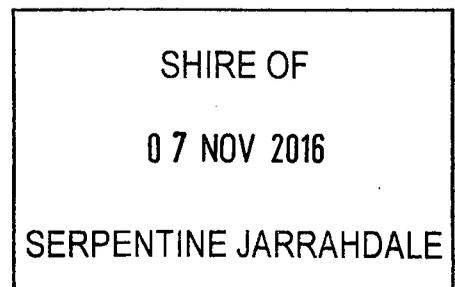
The deposited plan and all required written advice confirming that the requirement(s) outlined in the condition(s) have been fulfilled, must be submitted by 11 October 2020 or the approval will no longer remain valid.

Yours faithfully

A handwritten signature in black ink, appearing to read "Kerrine Blenkinsop".

Kerrine Blenkinsop
 Secretary
 Western Australian Planning Commission

31 October 2016
 Encl



wa.gov.au

Postal address: Locked Bag 2506 Perth WA Street address: 140 William Street Perth WA 6000
 Tel: (08) 655 19000 Fax: (08) 655 19001 TTY: 655 19007 Infoline: 1800 626 477
 corporate@planning.wa.gov.au www.planning.wa.gov.au
 ABN 35 482 341 493



Your Ref :
 Enquiries : Katina Marchbank [REDACTED]

State Administrative Tribunal
 GPO Box U1991
 PERTH WA 6845

**Approval Subject To Condition(s)
 Freehold (Green Title) Subdivision
 Reconsideration Of Decision**

Application No : 152638

Planning and Development Act 2005

Applicant	:	Whelans Australia Pty Ltd P O Box 99 MOUNT HAWTHORN WA 6915
Owner	:	Darling Downs Estate Pty Ltd Level 9, 1 William Street PERTH WA 6000
Application Receipt	:	22 September 2015

Lot Number	:	9001 (Formerly Lot 9000)
Diagram / Plan	:	406109 (Formerly 404912)
Location	:	-
C/T Volume/Folio	:	2879/488
Street Address	:	Hilbert Road, Darling Downs
Local Government	:	Shire of Serpentine Jarrahdale

Pursuant to section 26 of the State Administrative Tribunal Act 2004, the Western Australian Planning Commission has reconsidered the State Administrative Tribunal application DR49 of 2016 for review of the deemed refusal of subdivision application 152638 dated 8 January 2016 and in light of further information submitted by the applicant resolved:

1. To support approval of the application subject to the conditions set out below; and
2. To advise the parties involved in the current mediation at SAT accordingly.

140 William Street, Perth, Western Australia 6000, Locked Bag 2506 Perth, 6001
 Tel: (08) 6551 9000; Fax: (08) 6551 9001; Infoline: 1800 626 477
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 ABN 35 482 341 493



This decision is valid for four years from the date of this advice, which includes the lodgement of the deposited plan within this period.

The deposited plan for this approval and all required written advice confirming that the requirement(s) outlined in the condition(s) have been fulfilled must be submitted by 11 October 2020 or this approval no longer will remain valid.

Deposited Plan

The deposited plan is to be submitted to the Western Australian Land Information Authority (Landgate) for certification. Once certified, Landgate will forward it to the WAPC. In addition, the applicant/owner is responsible for submission of a Form 1C with appropriate fees to the WAPC requesting endorsement of the deposited plan. A copy of the deposited plan with confirmation of submission to Landgate is to be submitted with all required written advice confirming compliance with any condition(s) from the nominated agency/authority or local government. Form 1C and a schedule of fees are available on the WAPC website: <http://www.planning.wa.gov.au>

Condition(s)

The WAPC is prepared to endorse a deposited plan in accordance with the plan submitted once the condition(s) set out have been fulfilled.

The condition(s) of this approval are to be fulfilled to the satisfaction of the WAPC.

The condition(s) must be fulfilled before submission of a copy of the deposited plan for endorsement.

The agency/authority or local government noted in brackets at the end of the condition(s) identify the body responsible for providing written advice confirming that the WAPC's requirement(s) outlined in the condition(s) have been fulfilled. The written advice of the agency/authority or local government is to be obtained by the applicant/owner. When the written advice of each identified agency/authority or local government has been obtained, it should be submitted to the WAPC with a Form 1C and appropriate fees and a copy of the deposited plan.

If there is no agency/authority or local government noted in brackets at the end of the condition(s), a written request for confirmation that the requirement(s) outlined in the condition(s) have been fulfilled should be submitted to the WAPC, prior to lodgement of the deposited plan for endorsement.

Prior to the commencement of any subdivision works or the implementation of any condition(s) in any other way, the applicant/owner is to liaise with the nominated agency/authority or local government on the requirement(s) it considers necessary to fulfil the condition(s).



The applicant/owner is to make reasonable enquiry to the nominated agency/authority or local government to obtain confirmation that the requirement(s) of the condition(s) have been fulfilled. This may include the provision of supplementary information. In the event that the nominated agency/authority or local government will not provide its written confirmation following reasonable enquiry, the applicant/owner then may approach the WAPC for confirmation that the condition(s) have been fulfilled.

In approaching the WAPC, the applicant/owner is to provide all necessary information, including proof of reasonable enquiry to the nominated agency/authority or local government.

CONDITION(S):

Road Works Contribution

1. Satisfactory arrangements being made with the Western Australian Planning Commission for the contribution towards the upgrading and construction of Rowley Road North and Hilbert Road to an interim standard (including contributions toward the construction of temporary intersections at the intersections of Rowley Road North/Hopkinson Road, Rowley Road North/Hilbert Road and Hilbert Road/Rowley Road South) as well as the intersection of Rowley Road South and Hopkinson Road. The contribution is payable on a pro rata basis based on the number of residential lots created within the Lots 1 & 2 Rowley Road, Darling Downs Structure Plan area. For the purposes of this condition, the interim road arrangement is generally shown on Calibre Consulting Plan 14219E-EXT-C300-REVB dated 27.7.16 (attached). (Local Government)

Drainage and site works

2. Prior to the commencement of subdivisional works, an Urban Water Management Plan is to be prepared and approved in consultation with the Department of Water, consistent with the approved Local Water Management Strategy for Lots 1 & 2 Rowley Road, Darling Downs, and shall thereafter be implemented to the satisfaction of the Western Australian Planning Commission. (Local Government)
3. Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission. (Local Government)



4. The land being filled, stabilised, drained and/or graded as required to ensure that:
 - (a) lots can accommodate their intended development;
 - (b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and
 - (c) stormwater is contained on-site, or appropriately treated and connected to the local drainage system.

(Local Government)

5. ~~Prior to the commencement of subdivisional works, the landowner/applicant is to~~ provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and

In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report.

(Local Government)

6. Suitable arrangements being made with the Water Corporation for the drainage of the land either directly or indirectly into a drain under the control of that body. (Water Corporation)
7. Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the *Planning and Development Act 2005*. (Local Government)

Electricity conditions

8. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power, for the provision of an underground electricity supply to the lot(s) shown on the approved plan of subdivision. (Western Power)
9. The transfer of land as a Crown reserve free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)



Environmental

10. Prior to the commencement of subdivisional works a Landscape and Vegetation Management Plan for the road verges and street trees is to be prepared and approved with satisfactory arrangements being made for the implementation of the approved plan. (Local Government)

Fire and emergency

11. A notification pursuant to section 165 of the *Planning and Development Act 2005* is to be placed on the Certificate(s) of Title of the proposed lot(s) with a BAL rating of 12.5 or above, advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (Deposited Plan). The notification is to state as follows:

"This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner. Additional planning and building requirements may apply to the development of this land".

(Western Australian Planning Commission)

12. The landowner (the Applicant) shall make arrangements to ensure that prospective purchasers of lots with a BAL rating of 12.5 or above are provided with a copy of the BAL contour. (Local Government)

Lot design

13. Local Development Plan being prepared and approved for the lots 50, 126 and 129 that address Clause 5.3.5 of the Residential Design Codes to the satisfaction of the Western Australian Planning Commission. (Local Government)
14. The landowner/applicant shall make arrangements to ensure that prospective purchasers of lots subject of a Local Development Plan are advised in writing that Local Development Plan provisions apply. (Local Government)

Reserves

15. An area of land at least 10% of the land's gross subdivisible area, in a position to be agreed with the Western Australian Planning Commission, being shown on the diagram or plan of survey (deposited plan) as a reserve for public open space and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government)



Transport, roads and access conditions

16. Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost.

As an alternative, and subject to the agreement of the Local Government the Western Australian Planning Commission (WAPC) is prepared to accept the landowner/applicant paying to the local government the cost of such road works as estimated by the local government and the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC.

(Local Government)

17. Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:
- (a) street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider;
 - (b) roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly; and
 - (c) temporary turning areas are provided to those subdivisional roads that are subject to future extension;

to the satisfaction of the Western Australian Planning Commission.

(Local Government)

18. Engineering drawings and specifications are to be submitted and approved, and satisfactory arrangements being made for subdivisional works to be undertaken in accordance with the approved plan of subdivision and engineering drawings and specifications, for the construction of full earthworks, carriageway, shared path(s) and drainage facilities required for the application area. (Local Government)
19. Satisfactory arrangements being made with the local government for the full cost of upgrading Rowley Road South in the locations where it abuts the application area to an urban standard. (Local Government)



20. All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission's Liveable Neighbourhoods. (Local Government)

Water and sewer

21. Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)
22. Arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)

ADVICE

1. With regard to Condition 1, the parties have agreed that the Applicant will make a \$625,000 contribution in satisfaction of Condition 1. The \$625,000 contribution is an interim arrangement. The interim contribution is being quantified and costed and if necessary will be adjusted prior to approval being granted for Stage 5 (which may result in the pro rata rate being increased or decreased on Stage 5 or if necessary money being refunded to the Applicant) to ensure that the appropriate contribution is made. The Applicant has agreed that it will pay the pro rata contribution for Stages 1, 2 and 3 on this stage which equates to a payment of \$349,702, on the following basis:

Stage	Description	Contribution (\$)
Total	168 residential lots (\$3720/lot)	625,000
1	43 single residential lots	159,970
2	25 single residential lots	93,006
3	26 single residential lots	96,726
4 (part)	10 survey-strata residential lots	
4 (balance)	37 residential lots (36 residential lots, 1 survey strata lot)	137,649
5	37 residential lots (36 new residential lots, 1 grouped housing lot)	137,649

2. With regard to Condition 2, the Urban Water Management Plan the subject of this condition shall be implemented by the landowner/applicant, including the construction of identified stormwater and groundwater management systems to the satisfaction of the Western Australian Planning Commission. This condition has been imposed in accordance with *Better Urban Water Management Guidelines (WAPC 2008)*. Further guidance on the contents of urban water management plans is provided in *'Urban Water Management Plans: Guidelines for preparing and complying with subdivision conditions'* (Department of Water 2008).



3. With regard to Condition 8, Western Power provides only one underground point of electricity supply per freehold lot.
4. With regard to Condition 15, the Western Australian Planning Commission hereby approves, for the purposes of satisfying the condition, a bond, bank guarantee or other form of security to the benefit of the Local Government. The value of the contribution is equivalent of 10% of the gross subdivisible area of the subdivision the subject of the application. The bond, bank guarantee or other form of security shall be returned at the time that a suitable area of public open space is provided within future stages of subdivision within Lots 1 & 2 Rowley Road, Darling Downs Structure Plan.
5. With regard to Conditions 6, 21, 22, the landowner/applicant shall make arrangements with the Water Corporation for the provision of the necessary services. On receipt of a request from the landowner/applicant, a Land Development Agreement under Section 83 of the *Water Services Act 2012* will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.
6. The landowner/applicant and the local government are advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed.

Kerrine Blenkinsop

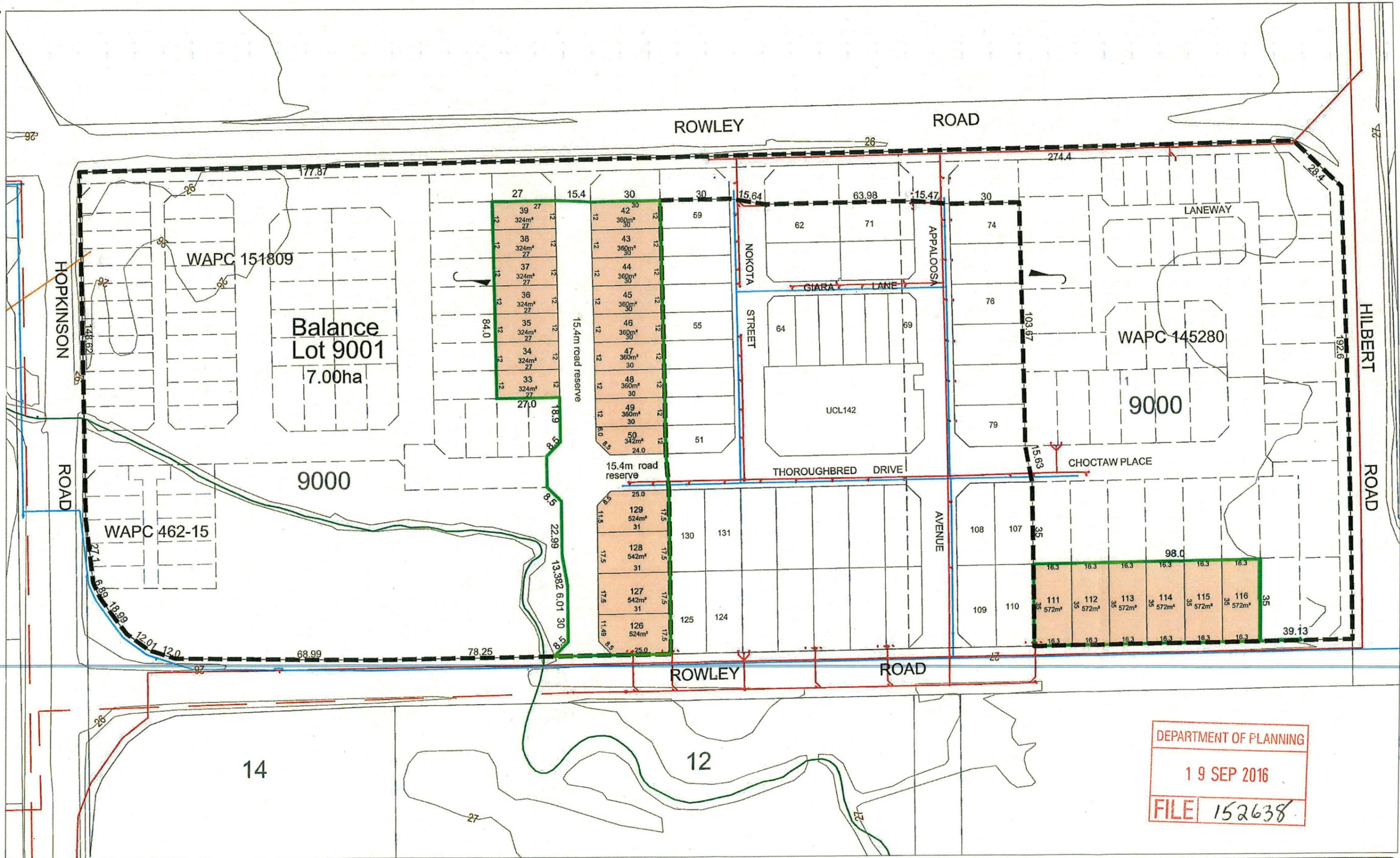
Kerrine Blenkinsop
Secretary
Western Australian Planning Commission

11 October 2016

- Attachments:
1. Plan of subdivision dated 19 September 2016
 2. Calibre Consulting Plan
- cc:
1. State Solicitor's Office
GPO Box B83 PERTH WA 6838
 2. Lavan Legal (Craig Wallace)
GPO Box F338 PERTH WA 6841

Determined by an officer of the Department of Planning and acting under delegated power from the Western Australian Planning Commission.

10 OCT 2016



DEPARTMENT OF PLANNING
 19 SEP 2016
 FILE 152638

Plan No.: 20200-9
 Revision: REV.2
 Scale: 1:1500@A3
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 Suite 4 First Floor 40 Hasler Road Osborne Park WA 6017 www.whelans.com.au

LEGEND

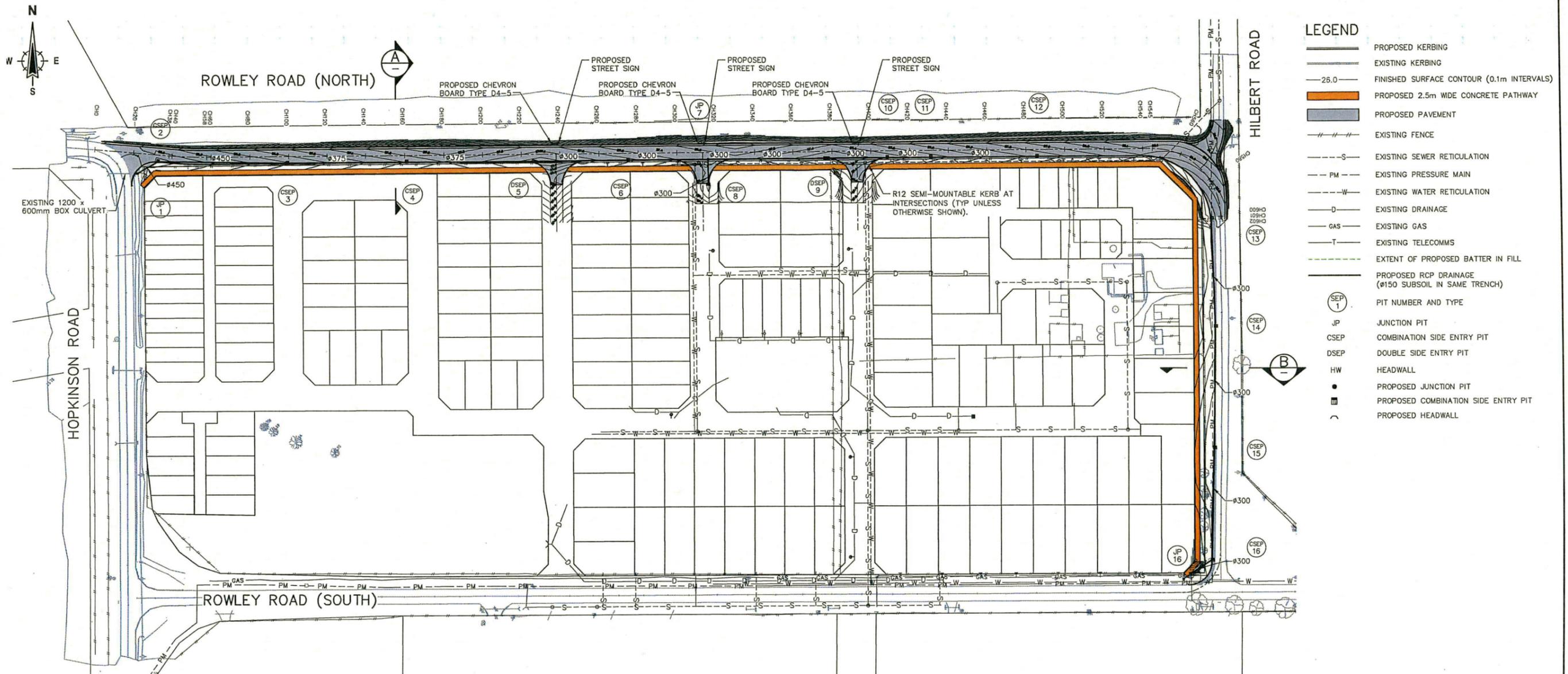
- Water Mains
- Sewer Mains
- 135 Contours
- Subject Site (Lot 9000)
- Area the subject of this application
- Proposed lots under this application
- Proposed Subdivision (WAPC 145280, 151809, 462-15)

Original area Lot 9000 = 8.47ha
 Balance Lot 9001 area = 7.00ha

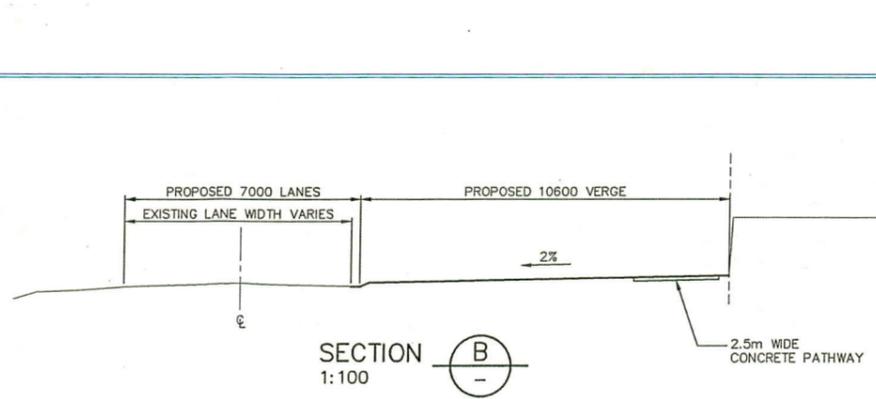
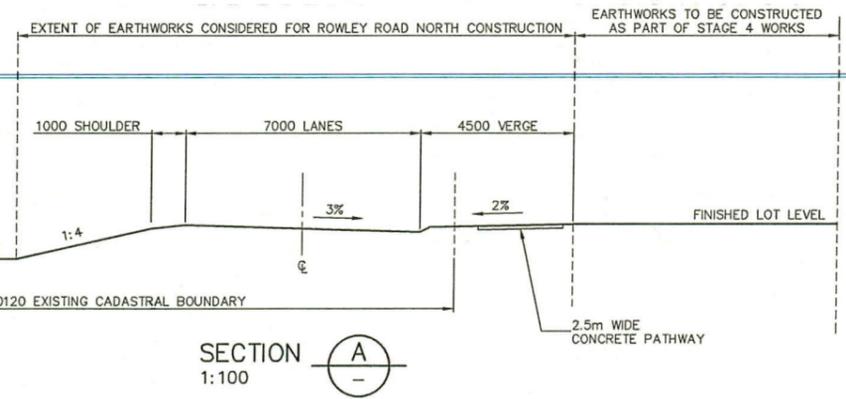
SUBDIVISION PLAN (STAGE 3)
LOT 9000 ROWLEY ROAD
DARLING DOWNS
WAPC 152638

DATE DRAWN: 05/08/2016
 DRAWN BY: CdeL
 CHECKED BY: JP
 FILE: 150628 Sub Plan Lot 9000 Rowley Road, 20200-9 rev 2dgn
 V DATUM: AHD
 H DATUM: MGA84 (50)





- LEGEND**
- PROPOSED KERBING
 - EXISTING KERBING
 - 26.0 — FINISHED SURFACE CONTOUR (0.1m INTERVALS)
 - PROPOSED 2.5m WIDE CONCRETE PATHWAY
 - PROPOSED PAVEMENT
 - — — EXISTING FENCE
 - S — EXISTING SEWER RETICULATION
 - PM — EXISTING PRESSURE MAIN
 - W — EXISTING WATER RETICULATION
 - D — EXISTING DRAINAGE
 - GAS — EXISTING GAS
 - T — EXISTING TELECOMMS
 - — — EXTENT OF PROPOSED BATTER IN FILL
 - PROPOSED RCP DRAINAGE (#150 SUBSOIL IN SAME TRENCH)
 - SEP 1 PIT NUMBER AND TYPE
 - JP JUNCTION PIT
 - CSEP COMBINATION SIDE ENTRY PIT
 - DSEP DOUBLE SIDE ENTRY PIT
 - HW HEADWALL
 - PROPOSED JUNCTION PIT
 - PROPOSED COMBINATION SIDE ENTRY PIT
 - PROPOSED HEADWALL



NOTE:
PLAN BASED ON WHELANS PRECALCULATION PLAN DATED 18/12/2013 REF No. 16086-000-002-07.dxf

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DN	DATE	ISSUE DESCRIPTION	DRAWN	DESIGNED	CHECKED
	06.05.2016	ISSUED FOR COMMENT	*BTH	*BTH	*EMM
	27.07.2016	ROWLEY ROAD NORTH WIDENING AT HILBERT ROAD INTERSECTION	*SH	*SH	*SRB

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PROJECT
**DARLING DOWNS ESTATE
STAGE 3 EXTERNAL ROADS
15% DESIGN**

PRELIMINARY
NOT FOR CONSTRUCTION PURPOSES

DRAWING TITLE		
OVERALL PLAN LAYOUT INTERIM DESIGN		
PROJECT No.	DRAWING No.	REVISION
14219E	EXT-C300	B